

BRENDA JANETTE SHORTNACY)
)
 Plaintiff,)
 vs.) NO. CIV-13-0297-HE
)
 CAROLYN W. COLVIN,)
 Acting Commissioner of the Social,)
 Security Administration)
)
 Defendant.)


Plaintiff Brenda Janette Shortnacy filed this action seeking review of the final decision of the Commissioner of the Social Security Administration denying her application for disability insurance benefits. Consistent with 28 U.S.C. § 636(b)(1)(B), the case was referred to Magistrate Judge Charles B. Goodwin, who recommends that the Commissioner's decision be reversed and the matter remanded for further proceedings. Although the magistrate judge rejected two of plaintiff's objections to the decision of the administrative law judge (ALJ), he did conclude that the ALJ failed to adequately discuss plaintiff's obesity and osteoarthritis in assessing her residual functional capacity, warranting the reversal of the Commissioner's decision.

Having failed to object to the Report and Recommendation, the parties have waived their right to appellate review of the factual and legal issues it addressed. United States v. One Parcel of Real Property, 73 F.3d 1057, 1059-60 (10th Cir. 1996); *see* 28 U.S.C. § 636(b)(1)(C). Accordingly, the court adopts the Report and Recommendation, **REVERSES**

the final decision of the Commissioner and **REMANDS** the case for further proceedings consistent with the Report and Recommendation, a copy of which is attached to this order. This decision does not suggest or imply any view as to whether plaintiff is or is not disabled, or what result should be reached on remand.

IT IS SO ORDERED.

Dated this 22nd day of September, 2014.



JOE HEATON
UNITED STATES DISTRICT JUDGE